


## **Exhibit 1c**

TR-NSR-2004-01684

<b>CLAIM FOR DAMAGE, INJURY, OR DEATH</b>		INSTRUCTIONS: Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.		FORM APPROVED OMB NO. 1105-0008	
1. Submit To Appropriate Federal Agency U.S. Department of Justice Bureau of Prisons Northeast Regional Office U.S. Customs House - 7th Floor 2nd and Chestnut Streets, Philadelphia, PA 19106			2. Name, Address of claimant and claimant's personal representative, if any (See instructions on reverse.) (Number, street, city, State and ZIP Code) Demetrius Brown Reg. No. 21534-039 FCI McKean, P.O. Box 8000 Bradford, PA. 16701		
3. TYPE OF EMPLOYMENT N/A <input type="checkbox"/> MILITARY <input type="checkbox"/> CIVILIAN	4. DATE OF BIRTH 2/8/72	5. MARITAL STATUS CommonLaw	6. DATE AND DAY OF ACCIDENT 7/97 to present	7. TIME (A.M. OR P.M.) 24hrs. daily A.M. and P.M.	
8. Basis of Claim (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof.) (Use additional pages if necessary.) Claimant was exposed and is continuously exposed to inappropriate levels of ETS (Environmental Tobacco Smoke). Claimant is housed in Unit CB where Tobacco smoke fumes virtually everywhere one walks. It is in effect inescapable. Tobacco smoke clouds the pool table area where exercise equipment is also located. To exercise without being exposed to inappropriate levels of ETS is impossible. The mop closets, laundry room, microwave room are all often smoke filled with Tobacco. The walk areas range are many times infested with pockets of inappropriate levels of ETS. The entrance way to the unit is always blockaded with inappropriate levels of ETS. The lower range cells are many times occupied to combustion levels with ETS which then filters out onto the ranges and seeps into the next adjoining non-filled ETS cells. Ventillation is poor especially during the winter season as the computerized system frequently shuts down in order to heat the incoming air. Whereas in the summer season it is continuous in the intake of air. See Continuation Page.					
<b>9. PROPERTY DAMAGE</b>					
NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, street, city, State, and ZIP Code) N/A					
BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF DAMAGE AND THE LOCATION WHERE PROPERTY MAY BE INSPECTED. (See instructions on reverse side.) N/A					
<b>10. PERSONAL INJURY/WRONGFUL DEATH</b>					
STATE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE NAME OF INJURED PERSON OR DECEDENT. I suffer from nausea, an inability to eat, headaches, chest pains, difficulty breathing, numbness in limbs, teary eyes, itching, burning skin, dizziness, sore throat, coughing and production of sputum. Also, I am more likely to suffer additional complications in the future.					
<b>11. WITNESSES</b>					
NAME FCI McKean's Video Surveillance		ADDRESS (Number, street, city, State, and ZIP Code) P.O. Box 5000, Bradford, PA. 16701 JAN 29 2004			
<b>12. (See instructions on reverse) AMOUNT OF CLAIM (In dollars)</b>					
12a. PROPERTY DAMAGE N/A	12b. PERSONAL INJURY \$10,000,000.00 Ten Million Dollars	12c. WRONGFUL DEATH N/A	12d. TOTAL (Failure to specify may cause forfeiture of your rights.) \$10,000,000.00 Ten Million Dollars		
I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE ACCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM					
13a. SIGNATURE OF CLAIMANT (See instructions on reverse side.) 		13b. Phone number of signatory N/A	14. DATE OF CLAIM 1/20/04		
CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM  The claimant shall forfeit and pay to the United States the sum of \$2,000, plus double the amount of damages sustained by the United States. (See 31 U.S.C. 3729.)		CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS  Fine of not more than \$10,000 or imprisonment for not more than 5 years or both. (See 18 U.S.C. 287, 1001.)			

Previous editions not usable.

STANDARD FORM 95 (Rev. 7-85)  
PRESCRIBED BY DEPT. OF JUSTICE  
28 CFR 14.2

CONTINUATION PAGE

8. Also, because filters are not frequently changed, ETS stains filters only to recirculate inside Non-ETS filled cells. In addition to the cell door having such a gapping opening at the bottom in appropriate ETS levels that are daily fumed outside of door near staircase, seeps directly under door of Non-filled ETS cell.

## PRIVACY ACT NOTICE

This Notice is provided in accordance with the Privacy Act, 5 U.S.C. 552a(e)(3), and concerns the information requested in the letter to which this Notice is attached.

A. **Authority:** The requested information is solicited pursuant to one or more of the following: 5 U.S.C. 301, 28 U.S.C. 501 et seq., 28 U.S.C. 2671 et seq., 28 C.F.R. Part 14.

B. **Principal Purpose:** The information requested is to be used in evaluating claims.

C. **Routine Use:** See the Notices of Systems of Records for the agency to whom you are submitting this form for this information.

D. **Effect of Failure to Respond:** Disclosure is voluntary. However, failure to supply the requested information or to execute the form may render your claim "invalid".

## INSTRUCTIONS

Complete all items - Insert the word NONE where applicable

A CLAIM SHALL BE DEEMED TO HAVE BEEN PRESENTED WHEN A FEDERAL AGENCY RECEIVES FROM A CLAIMANT, HIS DULY AUTHORIZED AGENT, OR LEGAL REPRESENTATIVE AN EXECUTED STANDARD FORM 95 OR OTHER WRITTEN NOTIFICATION OF AN INCIDENT, ACCOMPANIED BY A CLAIM FOR MONEY DAMAGES IN A SUM CERTAIN FOR INJURY TO OR LOSS OF.

Any instructions or information necessary in the preparation of your claim will be furnished, upon request, by the office indicated in item # 1 on the reverse side. Complete regulations pertaining to claims asserted under the Federal Tort Claims Act can be found in Title 28, Code of Federal Regulations, Part 14. Many agencies have published supplemental regulations also. If more than one agency is involved, please state each agency.

The claim may be filled by a duly authorized agent or other legal representative, provided evidence satisfactory to the Government is submitted with said claim establishing express authority to act for the claimant. A claim presented by an agent or legal representative must be presented in the name of the claimant. If the claim is signed by the agent or legal representative, it must show the title or legal capacity of the person signing and be accompanied by evidence of his/her authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian or other representative.

If claimant intends to file claim for both personal injury and property damage, claim for both must be shown in item 12 of this form.

The amount claimed should be substantiated by competent evidence as follows:

(a) In support of the claim for personal injury or death, the claimant should submit a written report by the attending physician, showing the nature and extent of injury, prognosis, and the period of hospitalization, or incapacitation, attaching itemized bills for medical, hospital, or burial expenses actually incurred.

PROPERTY, PERSONAL INJURY, OR DEATH ALLEGED TO HAVE OCCURRED BY REASON OF THE INCIDENT. THE CLAIM MUST BE PRESENTED TO THE APPROPRIATE FEDERAL AGENCY WITHIN TWO YEARS AFTER THE CLAIM ACCRUES.

(b) In support of claims for damage to property which as been or can be economically repaired, the claimant should submit at least two itemized signed statements or estimates by reliable, disinterested concerns, or, if payment has been made, the itemized signed receipts evidencing payment.

(c) In support of claims for damage to property which is not economically repairable, or if the property is lost or destroyed, the claimant should submit statements as to the original cost of the property, the date of purchase, and the value of the property, both before and after the accident. Such statements should be by disinterested competent persons, preferably reputable dealers or officials familiar with the type of property damaged, or by two or more competitive bidders, and should be certified as being just and correct.

(d) Failure to completely execute this form or to supply the requested material within two years from the date the allegations accrued may render your claim "invalid". A claim is deemed presented when it is received by the appropriate agency, not when it is mailed.

Failure to specify a sum certain will result in invalid presentation of your claim and may result in forfeiture of your rights.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a Collection of Information unless it displays a valid OMB control number. The valid OMB control number for this Information Collection is 1105-0008. The time required to complete this Information Collection is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data resources, gathering and maintaining the data needed, and completing and reviewing the information collection. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden

to Director, Torts Branch  
Civil Division  
U.S. Department of Justice  
Washington, DC 20530

and to the  
Office of Management and Budget  
Paperwork Reduction Project (1105-0008)  
Washington, DC 20503

## INSURANCE COVERAGE

In order that subrogation claims may be adjudicated, it is essential that the claimant provide the following information regarding the insurance coverage of his vehicle or property.

15. Do you carry accident insurance? ☐ YES, If Yes, give name and address of insurance company (Number, street, city, State, and ZIP Code) and policy number. ☒ NO

16. Have you filed claim on your insurance carrier in this instance, and if so, is it full coverage or deductible?

N/A

17. If deductible, state amount

N/A

18. If claim has been filed with your carrier, what action has your insurer taken or proposes to take with reference to your claim? (If necessary that you ascertain these facts)

N/A

19. Do you carry public liability and property damage insurance? ☐ YES, If Yes, give name and address of insurance carrier (Number, street, city, State, and Zip Code) ☒ NO

UNITED STATES GOVERNMENT

# Memorandum

Northeast Regional Office, Philadelphia, PA  
FEDERAL BUREAU OF PRISONS

DATE: June 24, 2004

REPLY TO:

ATTN OF: Henry J. Sadowski, Regional Counsel

SUBJECT: Your Administrative Tort Claim, No. TRT-NER-2004-01684

TO: Demetrius Brown, Reg. No. 21534-039  
FCI McKean

Your Administrative Tort Claim No. TRT-NER-2004-01684, properly received by this agency on January 29, 2004, has been considered for settlement as provided by the Federal Tort Claims Act (FTCA), 28 U.S.C. § 2672, under authority delegated to me by 28 C.F.R. § 543.30. You seek compensatory damages in the amount of \$10,000,000.00 for an alleged personal injury. Specifically, you claim you are being exposed to second-hand smoke while incarcerated at the Federal Correctional Institution (FCI), McKean, Pennsylvania, causing you nausea, inability to eat, headaches, chest pains, difficulty breathing, numbness in limbs, teary eyes, itching/burning skin, dizziness, sore throat and coughing.

After careful review of this claim, I have decided not to offer a settlement. Investigation reveals policy states all Bureau of Prisons' facilities and vehicles are no-smoking areas, unless specifically designated as a smoking area by the Warden. The Warden is required to designate an outdoor area as a smoking area and may, but is not required to, designate a limited number of indoor smoking areas, where the needs of effective operations so require. The Warden at FCI McKean has designated the upper cells of each housing unit and one cell on each lower range for handicap inmates as indoor smoking areas. Inmates found smoking in prohibited areas are subject to disciplinary action. Staff make every effort to enforce the no-smoking rules. The Warden has taken reasonable steps to ensure that inmates at that facility are not exposed to second-hand smoke. Your medical record does not indicate you suffer from the injuries you describe in this claim. You are encouraged to promptly advise staff when you observe others smoking in areas not designated by the Warden. There is no evidence to suggest you have experienced a personal injury as the result of negligence on the part of any Bureau of Prisons' employee.

Accordingly, your claim is denied. If you are dissatisfied with this decision, you may seek reconsideration from this office or bring an action against the United States in an appropriate United States District Court within six (6) months of the date of this memorandum.

cc: James F. Sherman, Warden, FCI McKean

ACKNOWLEDGMENT OF RECEIPT

DENIAL OF TORT CLAIM

I, Demetrius Brown, Reg. No. 21534-039, hereby acknowledge receipt this 7<sup>th</sup> day of July, 2004, of the June 24, 2004, memorandum from Henry J. Sadowski, Regional Counsel, Northeast Region, Federal Bureau of Prisons, informing me of the denial of my tort claim (TRT-NER-2004-01684).

Demetrius Brown  
Signature

Witnessed this 7<sup>th</sup> day of July, 2004.

K. Lillard, Case Manager  
Staff Witness

**FAX MEMO**  
# PAGES 1 DATE 7/21/04 FAX #  
TO NERO LEAD  
FROM McKenna Legal  
CO.  
PH# FAX #